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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,306	11/02/2001	Aaron M. Smith	D2805	4466
43471	7590	04/07/2006	EXAMINER	
GENERAL INSTRUMENT CORPORATION DBA THE CONNECTED HOME SOLUTIONS BUSINESS OF MOTOROLA, INC. 101 TOURNAMENT DRIVE HORSHAM, PA 19044			SON, LINH L D	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)
	10/002,306	SMITH ET AL.
	Examiner	Art Unit
	Linh LD Son	2135
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
THE REPLY FILED 13 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.		
<p>1. <input type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p> <p>a) <input type="checkbox"/> The period for reply expires _____ months from the mailing date of the final rejection.</p> <p>b) <input checked="" type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>		
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>		
<p>NOTICE OF APPEAL</p> <p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p>		
<p>AMENDMENTS</p> <p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because:</p> <p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p>		
<p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p>		
<p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p>		
<p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p>		
<p>7. <input checked="" type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> will not be entered, or b) <input checked="" type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p> <p>The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: _____.</p> <p>Claim(s) objected to: 5.</p> <p>Claim(s) rejected: 1-4 and 6-27.</p> <p>Claim(s) withdrawn from consideration: _____.</p>		
<p>AFFIDAVIT OR OTHER EVIDENCE</p> <p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p>		
<p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p>		
<p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p>		
<p>REQUEST FOR RECONSIDERATION/OTHER</p> <p>11. <input checked="" type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See the attachment.</u></p>		
<p>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____</p>		
<p>13. <input type="checkbox"/> Other: _____.</p>		

1. Applicant's arguments filed on 03/13/06 have been fully considered but they are not persuasive.

2. As per remark on page 2 last paragraph, Applicant argues that "Lin does not discloses or suggest a method of seamlessly transferring a communication session between a first device and a correspondent device on an IP network to another device via the address of the first device". Examiner respectfully disagrees with the Applicant. The prior art, Lin et al (hereinafter "Lin"), discloses every limitation of claim 1. As pointed out by the Applicant on page 3 of the remark, Col 5 line 45 to Col 6 line 12 discloses:

For example, with reference now to the signaling diagram shown in FIG. 6 of the drawings, when the Gatekeeper 180 receives a call to the H.323 subscriber from the Gateway 150 or from another H.323 subscriber (not shown) (step 600), the former being illustrated, the Gatekeeper 180 accesses the subscriber record 185 for the H.323 subscriber to determine the IP address and port number 187 for the H.323 endpoint 120 that the called H.323 subscriber is currently registered on (step 605). Thereafter, the Gatekeeper 180 routes the call to that H.323 endpoint 120 (step 610).

In response to initiating a ringing tone on the H.323 endpoint 120, if the H.323 subscriber does not answer the call (step 615), the H.323 endpoint 120 transmits the Release Complete message 140 with the re-routing cause 145 back to the Gatekeeper 180 (step 620). If an alternative number 189 is stored within the subscriber record 185 associated with the called H.323 subscriber, the Gatekeeper 180 retrieves this alternative number 189 (step 625). This alternative number 189 could be another IP address for another H.323 endpoint within the H.323 system 100. Alternatively, as is shown, the alternative number 189 can be a number associated with a terminal 260 within the PSTN/PLMN 200. In this case, the Gatekeeper 180 populates the alternative number 189 in the CPN parameter 220b of the Setup message 210b (step 630) and transmits the Setup message 210b to the Gateway 150 (step 635), which in turn, transmits the Setup message 210b to a switch or end office 250 within the PSTN 200 (step 640). The end office 250 retrieves the alternative number 189 from the Setup message 210b, determines routing information for the call based upon the alternative number 189 (step 645) and routes the call to the terminal 260 associated with the alternative number 189 to complete the call (step 650). It

should be understood that normal call terminating features (call forwarding, caller ID, call waiting, etc.) can be applied by the end office 250 to the call.

3. "Gatekeeper 180 receives a call to the H.323 subscriber from the Gateway 150 or from another H.323 subscriber (not shown)" discloses the corresponding device initiates a communication session to the endpoint 120. In response to the initiation from the corresponding device, the endpoint 120 rings and initiates the re-routing cause 145 back to the Gatekeeper 180 (In response to initiating a ringing tone on the H.323 endpoint 120, if the H.323 subscriber does not answer the call (step 615), the H.323 endpoint 120 transmits the Release Complete message 140 with the re-routing cause 145 back to the Gatekeeper 180 (step 620)). The gatekeeper retrieves another IP address for another H.323 endpoint and negotiates the transferring setup for the communication session from the endpoint 120 (The first device) to another endpoint (The second device).

4. As per remark on page 3 first paragraph, Applicant argues that "Lin does not disclose to use an IP address of MS 20 (if there is any) to transfer a session from itself to another device". Examiner once again respectfully disagrees with the Applicant. The remark above is directed to the claimed limitation in claim 1, which recites "*transferring the first device IP address away from the first device to another device so that the data transferred from the correspondent device to the first device via the address thereof will be received by the second device*" (See above citing paragraph). The session specific IP address gets transferred to another device (See above). As for the claimed limitation in claim 1, "... that the data transferred from the correspondent device to the first device

via the address thereof ... ", Examiner interprets the "via the address thereof" as another IP address or Node Identification, which clearly teaches in Lin invention.

5. Therefore, the Rejection basis for claims 1, 9, 17, 20 and 22 dated on 01/12/06 is maintained.

6. As per remark on page 3 in regarding to Claim 5, the Applicant's argument is persuasive and the rejection is mooted.

Allowable Subject Matter

7. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



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